GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LA – Ananthapuramu District – Contempt Case No.114/2015 and CC No.965/2013 in WP No.33217/2011 – Sanction of an amount of Rs.132.92 lakhs towards payment of compensation to the lands acquired to an extent of Ac.4.72 cts., situated in Kakkalapalli (V), Ananthapuramu District for construction of house sites to the weaker sections in Ananthapuramu District – Orders – Issued.

REVENUE (LAND ACQUISITION) DEPARTMENT

G.O.Ms.No. 41 Dated: 30-01-2017.
Read the following:-

(1) From the District Collector, Ananthapuramu, Lr.No.G3/12795/2012, dated 9-5-2013.
(2) D.O.Lr.No.Spl.B3//519/2013 of Sri I.V.R.Krishna Rao, IAS, Special CS & CCLA, AP, Hyderabad, dated 9-5-2013.
(3) From the District Collector, Ananthapuramu, Lr.No.G3/12795/2012, dated 14-5-2013.
(4) From the Learned Advocate General of Andhra Pradesh, Hyderabad, Letter No.668 of 2013, dated 24-06-2013.
(5) Government Memo.No.18445/LA(A1)/2013-5, dated 24-07-2013.
(6) From the District Collector, Ananthapuramu, Lr.No.G3/12795/2012, dated 8-10-2014.
(7) Contempt Notice in CC No.114/2015 of the Hon'ble High Court dated 05-02-2016.
(8) From the Learned Advocate General of Andhra Pradesh, Hyderabad, Letter No.68 of 2016, dated 18-02-2016.
(9) Government Memo.No.18445/LA(A1)/2013, dated 03-03-2016.
(10) From the District Collector, Ananthapuramu, Letter No.G3/12795/2012, dated 16-03-2016.
(11) Government Memo.No.18445/LA(A1)/2013, dated 12-04-2016.

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ORDER:

In the reference 1st read above, the District Collector, Ananthapuramu has stated that the then Tahsildar, Anantapuramu issued resumption notice in respect of land to an extent of Ac. 4.72 cts., in Sy.No.33-9 and 33-11 of Kakkalapalli Village, Anantapuramu Mandal, as the assignee / legal heirs of the assignee are not residing in the village and whereabouts are not known, the resumption notice was served on the land duly affixing the notice in the land, as the assignee / legal heirs have not filed any objection in the matter, the then Tahsildar vide Rc.No.B/25/1417, dated 26.9.2007 resumed the lands to an extent of Ac.4.72 cts., in Sy.No.33-9 and Sy.No.33-11 of Kakkalapalli Village, Anantapuramu Mandal to the Government for providing house sites / possession certificates to the land less poor under Indiramma Housing Programme. Aggrieved by the above, Sri T.Madan Mohan Reddy, S/o late T.Chandra Sekhar Reddy and two others filed writ petition in WP No.33217/2011 before the Hon'ble High Court seeking direction to the respondents to notify the land to an extent of Ac.4.72 cts., in Sy.No.33-11 and 33-9 at Kakkalapalli Village, Anantapuramu Mandal under Land Acquisition Act. The Hon'ble High Court in its orders dated 25.9.2012 directed the respondents to pay compensation to the petitioners for Ac.4.72 cts., of land in Sy.Nos.33-9 & 33-11 of Kakkalapalli Village, Anantapuramu District by initiating the proceedings under the Land Acquisition Act. The entire proceedings shall be completed within a period of six months from the date of order.

2. In the reference 2nd read above, the Special CS & Chief Commissioner of Land Administration has stated that the land acquisition proceedings can only be initiated for acquiring of private land not for assigned land and the subject land is assigned by the Government to the individual and resumed. Further, the issue of paying compensation under G.O.Ms.No.1307 may not be appropriate in this case since the spirit of GO is very clear as and when a land is resumed from those who are in possession of the land for projects or for public purpose, then only the issue of paying compensation will be arise. In this case, the assignees were always absentee land lords who were never in possession of the land and the land was in possession of others who approached the Government to regularize their already existing possession. Since the facts of the case are even not according to G.O.Ms.No.1307 this case,

… 2.

the action of MRO of resuming the land and regularizing already existing possession of weaker sections in terms of issuance of possession Pattas is well within order. Hence, there may not be any requirement to even initiate any proceedings under G.O.Ms.No.1307 and therefore, there is every need to file an appeal against the Judgement of Hon'ble High Court in WP No.33217/2013 and permitting the Collector, Ananthapuramu to file the writ appeal.

3. In the reference 3rd read above, the District Collector, Ananthapurmu has stated that the Government Pleader for Revenue (Genl.) (A&R), High Court of Andhra Pradesh, Hyderabad has been consulted for filing an appeal against the orders dated 25.9.2012 of Hon'ble High Court in WP No.33217/2011, and he has informed that Sri T.Madan Mohan Reddy, S/o late T.Chandra Sekhar Reddy and others have filed Contempt Case in CC No.965/2013 in WP No.33217/2011 for not implementing the orders passed in WP No.33217/2011, dated 25.9.2012.

4. In the reference 4th read above, the learned Advocate General, Government of Andhra Pradesh, has informed that WA (SR) No.86859/2013 came up for admission before the Division Bench and after hearing both the counsel, the Division Bench was pleased to dismiss the Writ Appeal, as initiation of acquisition proceedings under Land Acquisition Act in respect of assigned lands is beyond the scope of G.O.Ms.No.1307, Revenue (Assn.I) Department, dated 23.12.1993 and there is no provision in the said G.O. for payment of additional market value under Section 23(1A) of Land Acquisition Act and passing of Award under Section 11 of Land Acquisition Act, as such it is a fit case for filing an appeal before the Hon'ble Supreme Court of India by way of Special Leave Petition.

5. In the reference 5th read above, Government permitted the District Collector, Ananthapuramu to file an appeal before the Hon'ble Supreme Court. Further, in the reference 6th read above, the Collector, Anathapuramu District, has stated that the Hon'ble Supreme court of India in its Judgement dated 04.08.2014 has dismissed the SLP © No.29559/2013 filed by the Government before the Hon'ble Supreme Court India against the orders of the Hon'ble High Court in WP No.33217/2011, dated 25-09-2012 and WASR No.86859/2013, dated 24-06-2013.

6. Further, Sri T.Madan Mohan Reddy & 2 others have filed another Contempt Case in CC No.114/2015, for non-implementation of the above High Court orders in WP No.33217/2011, dated 25-09-2012 and also the orders in CC No.965/2013 dated 12.11.2014.

7. In the reference 8th read above, the Learned Advocate General has informed that in view of the fact that when review application is pending, issuance of Notice under Form-I in another Contempt Case is bad, and at any rate, which order of the Court has to be implemented would also become an issue and requested that immediate steps be taken to approach the Hon'ble Supreme Court seeking stay of all further proceedings in both the Contempt Cases, as there is conflict view taken by the Hon'ble High Court, and see that appropriate orders are granted by the Hon'ble Supreme Court, as the learned Judge of the Hon'ble High Court has directed the matters to be listed on 18-03-2016 for appearance of the respondents, as there is urgency to approach the Advocate-on-Record at the Supreme Court immediately and see that SLP is filed along with stay applications including stay of appearance of the respondents in CC No.114/2015.

8. In the reference 9th read above, Government directed the District Collector, Ananthapuramu to file SPL before the Hon'ble Supreme Court. Accordingly, the District Collect has filed another SLP © No.7173/2016 before the Hon'ble Supreme Court along with stay application including stay of appearance of the respondents in CC No.114/2015 and reported that the AOR has informed that the matter was listed on 15-03-2016 and the Hon'ble Supreme Court not consider the prayer.

9. In the reference 10th read above, the Collector, Ananthapuramu District has stated that the RDO has reported that the market value for the above proposed land is calculated at Rs.1,32,91,508/- in respect of Sy.No.33-9 (Ac.1.95 cts.) and Sy.No.33-11 (Ac.2.77 cts.) total an extent of Ac.4.72 cts., situated at Kakkalapalli Village, Ananthapuramu Mandal and the Joint Collector, Ananthapuram has also verified the calculations pertaining to the market value and recommended as proposed by the RDO, Ananthapruamu.

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10. Accordingly, Government vide reference 11th read above, the District Collector, Ananthapuramu, has been permitted to make payment of Rs.1,32,91,508/- from the available funds towards compensation in respect of land to an extent of Ac.4.72 cts., in Sy.No.33-9, etc., in Kakkapapalli (V), Ananthapuramu District, to enable to implement the orders of the Hon'ble High Court in WP No.33217/2011, pending release of funds by the Government, to avoid further legal complications in the matter.

11. Government after careful examination of the matter hereby accord sanction for an amount of Rs.132.92 lakhs (Rupees One hundred and Thirty Two lakhs and Ninety Two thousand only) towards payment of compensation to the lands acquired to an extent of Ac.4.72 cts., in Kakkalapalli (V), Ananthapuramu (M), Ananthapuramu District in connection with house sites to the weaker sections.

12. The expenditure sanctioned in para (11) above shall be debited to 2053 District Administration MH 800 Other Expenditure - SH.(04) Protection of Government Lands-500 Other charges-501 Compensation (Charged) and shall initially be met by way of an advance from the Contingency Fund orders regarding which orders will be issued by Finance (Budget I) Department, separately.

13. The Collector & District Magistrate, Ananthapuramu is authorised to draw and deposit the amount as per court orders. Action to be taken for obtaining supplementary grant at appropriate time towards recoupment to the advance sanctioned from the Contingency Fund.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. C SHARMA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The District Collector, Ananthapuramu.
The Special CS & Chief Commissioner of Land Administration, Andhra Pradesh at Gollapudi.
The Director of Treasuries & Accounts, Ibrahimpatnam, Vijayawada.
The District Treasury Officer, Ananthapuramu,
Copy to:-
The Government Pleader for Revenue (LA), High Court of Judicature at Hyderabad.
The Finance (Budget I) Department.
The Law Department.

// FORWARDED :: BY ORDER //

SECTION OFFICER